



INTERIOR BOARD OF INDIAN APPEALS

Nisqually Indian Tribe v. Chief, Branch of Judicial Services, Bureau of Indian Affairs

26 IBIA 2 (05/11/1994)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

NISQUALLY INDIAN TRIBE,
Appellant

v.

CHIEF, BRANCH OF JUDICIAL SERVICES,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Reversing Decision and
: Remanding Case for Further
: Consideration
:
:
: Docket No. IBIA 94-77-A
:
: May 11, 1994

This is an appeal from a February 8, 1994, decision of the Chief, Branch of Judicial Services, Bureau of Indian Affairs (Chief), declining to consider appellant's application for a FY 1994 grant under the Special Tribal Courts grant program because it exceeded the 50-page limit imposed in Part IV, paragraph E(3) of the program, 58 FR 53374, 53377 (Oct. 14, 1993). Appellant argued, inter alia, that it had relied on paragraph E(6), which suggested that letters endorsing or supporting a proposed project were not to be included in the 50-page limitation.

On May 10, 1994, the Board received an answer brief from the Chief. She concedes that the language of paragraph E(6) is ambiguous and that the ambiguity should be interpreted in appellant's favor. She further concedes that, when documents covered by paragraph E(6) are not counted, appellant's application falls within the 50-page limitation. The Chief requests that her February 8, 1994, decision be reversed and that the matter be remanded to her for review and rating of appellant's application.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the February 8, 1994, decision of the Chief, Branch of Judicial Services, is reversed and this matter is remanded to her for review and rating of appellant's application.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge